IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1054 of 1983

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

==========

GANGABEN WD/O MOTIBHAI ANOPBHAI - Appellant(s)
Versus
MAGANBHAI KAUBLABHAI VASAVA & 1 - Defendant(s)

==========

Appearance :
MR MTM HAKIM for Appellant(s) : 1,
MR HARDIK C RAWAL for Defendant(s) : 1 - 2.

==========

CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 01/09/2006

ORAL JUDGMENT

1. This appeal at the instance of the original claimant, is for enhancement of compensation as awarded by the Motor Accident Claims Tribunal (Auxi) Bharuch dated 24.9.82 in M.A.C.P No. 404/1981 whereby the Tribunal has awarded a sum of Rs 13,400/- along with the interest at rate of 6%.

2. The case of the original claimant is that the one Motobhai Anopbhai had gone to purchase vegetables. While returning he was walking on the

left side of the road and at that time S.T bus bearing No. GRT 7713 driven in a rash and negligent manner, knocked him down as result of which he sustained injuries resulting his death. The legal representative therefore filed the aforesaid claim petition.

3. Learned advocate for the appellant submitted that the compensation awarded under various heads is on the lower side and requires enhancement.

4. As a result of hearing and perusal of the record it is found that the Tribunal has discussed all the aspects of the matter while awarding compensation. It would be relevant to quote the observation of the Tribunal as under.

> " Now, admittedly, the deceased Motibhai Anopbhai was doing agricultural labour work. When the deceased Motibhai Anopbhai was doing agricultural labour work, he must be earning at least Rs. 200/- per month. Out of the said amount of Rs 200/- deceased Motibhai Anopbhai must be spending the remaining amount of Rs 100/- after the applicant who is his widow. The applicant Gangaben who is the widow of deceased Motibhai Anopbhai has suffered financial loss to the tune of Rs 100/- per month, on account of the death of deceased Motibhai. It comes to Rs 1200/- per year. Now it is mentioned in the

post mortem examination notes which are produced at Exh 25 that the deceased Motibhai Anopbhai was aged 60 years. When the deceased Motibhai Anopbhai was aged 60 years at the time of the incident, the multiplied of 7 is applied, it comes to Rs 8,400/-. The applicant is also entitled to recover sum of Rs 5000/- as compensation for the loss of life of her husband deceased Motibhai Anopbhai. In all, she is entitled to recover sum of Rs 13,400/- as compensation from the opponents.

The opponent No. 1 is liable to pay compensation to the applicant as he was driving the S.T bus bearing No. GRT 7713 in a rash and negligent manner at the time of the incident. The opponent No. 2 is liable to pay the compensation to the applicant as it was the owner of the said S.T bus at the time of the incident. In my opinion, both the opponents are liable to pay sum of Rs 13,400/- as compensation to the applicant".

5. Nothing is pointed out that the Tribunal has committed any error in awarding lesser amount under any heads. No case is made out for enhancement. I therefore do not find any merits in the appeal and the same is accordingly dismissed.

(K.S.Jhaveri,J)

mary//